

1 BEFORE:

2 MS. LATRICE KIRKLAND-MONTAQUE,
3 Administrative Law Judge.

4 APPEARANCES:

5 MR. MACK H. SHUMATE, JR.
6 101 North Wacker Drive, Suite 1920
7 Chicago, Illinois 60606
8 appeared for Petitioner;

9 MR. BRIAN A. VERCRUYSSSE
10 527 East Capitol Avenue
11 Springfield, Illinois 62701
12 appeared for Commission Staff.

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20 SULLIVAN REPORTING COMPANY, by
21 Teresann B. Giorgi, CSR

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3	<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>dir.</u>	<u>crx.</u>		<u>Examiner</u>
4	Richard Ellison	7	21	32	36		29
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10	<u>UNION PACIFIC</u>	<u>FOR IDENTIFICATION</u>				<u>IN EVIDENCE</u>	
11	Group A	-----				40	
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1 JUDGE KIRKLAND-MONTAQUE: By the power vested in
2 me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. T10-0181
4 for hearing. This is in the matter of the Union
5 Pacific Railroad Company, Petitioner, versus the
6 City of Joliet, Illinois. And there is a petition
7 for an order from the Commission to approve the
8 installation of a new grade separation roadway over
9 UP track at what is known as the Millsdale Road
10 Grade Separation in Will County, Illinois, at its
11 intersection with the lead tracks to Union Pacific
12 Railroad Company's Joliet Intermodal Terminal.

13 May I have appearances, please,
14 starting with Union Pacific.

15 MR. SHUMATE: Thank you, your Honor.

16 My name is Mack Shumate,
17 S-h-u-m-a-t-e. I'm an attorney for the Union
18 Pacific Railroad Company. Our offices are at
19 101 North Wacker Drive, Suite 1920, Chicago,
20 Illinois 60606.

21 I'll have one witness today, Richard
22 Ellison.

1 JUDGE KIRKLAND-MONTAQUE: Okay. Staff?

2 MR. VERCRUYSSSE: Thank you, your Honor.

3 Brian Vercruysse, V-e-r-c-r-u-y-s-s-e,
4 representing Staff of the Illinois Commerce
5 Commission. My phone number is 312-636-7760. Thank
6 you, your Honor.

7 JUDGE KIRKLAND-MONTAQUE: Okay. If you could
8 have your witness stand and raise his right hand.

9 (Witness sworn.)

10 JUDGE KIRKLAND-MONTAQUE: I will give you the
11 floor, Mr. Shumate.

12 MR. SHUMATE: Thank you, your Honor.

13 In preparation for this hearing today
14 we have prepared some slides and CDs of the slides
15 that will give the Illinois Commerce Commission an
16 overview, and the Staff, of what this project is
17 about.

18 As an introductory matter, when I
19 filed this petition back in December 16th, we were
20 of the opinion that the City of Joliet would be the
21 road authority taking responsibility for Millsdale
22 Road and the new grade separation structure that is

1 being constructed on that property.

2 This grade separation structure, as
3 the evidence will show, is a roadway over the
4 railroad's tracks at Millsdale Road. So Millsdale
5 Road now will go -- now goes over the railroad's
6 tracks in the vicinity of what's termed Global 4,
7 the Joliet intermodal facility.

8 I'd like to show some slides here and
9 Rich Ellison, I'll ask questions of him with regard
10 to these so we can have an overview of this
11 particular at-grade crossing -- excuse me, grade
12 separation.

13 This first slide references to this
14 particular hearing before the Illinois Commerce
15 Commission, versus City of Joliet as Respondent, for
16 the Millsdale Road grade separation roadway over the
17 railroad of the Union Pacific Railroad,
18 February 8th, 2011, T10-0181.

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1 RICHARD L. ELLISON,
2 called as a witness herein, and after having been
3 first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY

7 MR. SHUMATE:

8 Q Mr. Ellison, would you state your name for
9 the record, please.

10 A My name is Richard L. Ellison,
11 E-l-l-i-s-o-n.

12 Q Mr. Ellison, by whom are you currently
13 employed?

14 A Union Pacific Railroad.

15 Q And what is your current title?

16 A I'm a project coordinator with the Union
17 Pacific Railroad, industrial and public projects.

18 Q And what department of the Union Pacific
19 Railroad is that?

20 A Engineering Department.

21 Q And how long have you worked for the Union
22 Pacific Railroad or its predecessor railroads?

1 A 30 years.

2 Q Are you generally familiar with the project
3 which is the subject of today's hearing?

4 A Yes, I am.

5 Q Have you had an opportunity to see the
6 location of the project?

7 A Yes, I have.

8 Q When is the last time you were at this
9 location?

10 A February 4th.

11 Q Of what year?

12 A 2011.

13 Q Now, I'm going to show you -- now, for
14 purposes of the record, I would like to mark this as
15 Union Pacific Group Exhibit A, for purposes of this
16 hearing, and it consists of a series of slides that
17 are on a CD, which I will make available to the
18 Illinois Commerce Commission and also to all the
19 parties in this matter.

20 Mr. Ellison, I want to show you a
21 slide here, which is the second slide of this
22 Union Pacific Group Exhibit A, what is that?

1 A That's a overview of, basically, the Joliet
2 area.

3 Q So the town of Joliet -- for purposes of
4 the record, I'm showing the center of the slide.

5 Is it in this general area
6 (indicating)?

7 A That's correct, yes.

8 Q And the property where the Union Pacific
9 has built this Global 4 facility, is it in the
10 southwestern quadrant of this particular map?

11 A Yes.

12 Q And it doesn't show on this one.

13 A No.

14 Q That's because this was before the facility
15 was built?

16 A That's correct.

17 Q Now, I show you another slide, which is
18 No. 3 of this collection of Union Pacific Group
19 Exhibit A. Does this now show where the facility
20 is?

21 A Yes, it does.

22 Q Is it in the south- --

1 A It's in the southwestern quadrant. It's
2 the big white line which you see down here.

3 Q It almost looks like an airport?

4 A Airport, yes.

5 Q Okay. So that gives a general frame of
6 reference of where this facility is located?

7 A Yes, it does.

8 Q What is the nature of this facility?

9 A It's for hauling intermodal containers,
10 unload and load up for just, basically, like TVs or
11 whatever.

12 Q What is an intermodal?

13 A It's a train that we bring in and load onto
14 semis and they haul goods to the city back and
15 forth.

16 Q So if you were to see a train like this, it
17 would look like containers stacked on top of each
18 other?

19 A Stacked, yes.

20 Q And those containers, would they be -- how
21 would they actually be used by a truck?

22 A They just unload onto a truck frame and

1 then they haul them to wherever. They just pick
2 them up and set them on the trucks themselves.

3 Q I see.

4 Now, I want to show you Slide 4 of the
5 Union Pacific Group Exhibit A. This doesn't show
6 the facility. What is this particular slide?

7 A That's before the construction even
8 started. That, basically, shows the layout of where
9 it's going to be.

10 Q There's a line on the bottom here that
11 looks to be a road. Do you know what road this is
12 (indicating)?

13 A That is Millsdale Road.

14 Q And I'm going to show you the fifth slide
15 of this Union Pacific Group Exhibit A. What does
16 this depict?

17 A That's kind of showing where the
18 construction of the intermodal facility. It shows
19 where the tracks are coming, where the bridge is
20 roughly located.

21 Q Why don't you come up here and show to the
22 Hearing Officer here the general location of the --

1 A That's the general location of the
2 intermodal facility right there (indicating). This
3 is the basic location of where the bridge is at
4 (indicating).

5 Q That's Millsdale Road there (indicating)?

6 A This is Millsdale Road right here
7 (indicating).

8 Q Okay. And where do the tracks come out of
9 the facility from the south?

10 A They come out like this (indicating) --

11 Q And they go straight down?

12 A -- and, basically, they come straight down,
13 yes.

14 Q I see. Stay up there for a second, if you
15 would.

16 I'm now going to show you the sixth
17 slide. What is this?

18 A This -- again, this is the intermodal
19 facility (indicating). This is the tracks that run
20 out to the south (indicating). This is where the
21 bridge is at, right there (indicating).

22 Q Is there a northern location where this

1 facility goes to tracks, also?

2 A Yes, it is. It kind of winds its way back
3 through here and comes to the mainline of the Joliet
4 Sub, which is right here (indicating).

5 Q Can you show, approximately, where Laraway
6 Road is?

7 A Laraway Road is right there (indicating).

8 Q And was that the subject of a previous
9 matter before the Illinois Commerce Commission for
10 this facility?

11 A Yes, it was.

12 Q Okay. And where the tracks come out of the
13 bottom, does that hook up to the Union Pacific or
14 does it hook up to the Burlington Northern Railroad?

15 A It goes to the Burlington Northern down
16 over toward the west (indicating).

17 Q And they have a similar facility in the
18 general vicinity of this?

19 A Yes. I'm not exactly sure where, but I
20 think it's down in here somewhere (indicating).

21 Q It's not depicted on --

22 A Yes.

1 Q Let me ask it again.

2 It's not depicted on Exhibit A.

3 A That's correct, it's not depicted.

4 Q Now, Exhibit A, is that the same Exhibit A

5 that was attached as Exhibit A to the petition for

6 today's matter?

7 A Yes, it is.

8 Q And there's a red arrow on there. Does

9 that show the general location of where the

10 Millsdale Road grade separation was built?

11 A That is correct, yes (indicating).

12 Q I want to show you Slide No. 7 out of

13 Union Pacific Group Exhibit A. What is that?

14 A That is -- at the top of the bridge on the

15 road looking east.

16 Q Did you take these photographs?

17 A Yes, I did.

18 Q And on what date?

19 A On Friday the 4th.

20 Q Okay. All right. So this looks to be a

21 road. And would you describe what this is

22 (indicating).

1 A It's a bridge over our railroad tracks.
2 This is looking east on the bridge itself.
3 Q And what road is that (indicating)?
4 A That's Millsdale Road.
5 Q Okay. I want to show you Slide 8 of
6 Union Pacific Group Exhibit A. What is that?
7 A That's Millsdale Road looking west
8 towards -- towards the west there (indicating).
9 Q And it looks like there's a cantenary on
10 the far distance.
11 A This here you're talking about
12 (indicating)?
13 Q Yes, sir.
14 A That's a traffic signal for an adjacent
15 road. I can't remember what that is. That's an
16 intersection there (indicating). It's kind of where
17 the semis go to get into the facility.
18 Q Now, I'm going to show you Slide No. 9 of
19 Union Pacific Group Exhibit A. What does that show?
20 A That's the superstructure of the Millsdale
21 Road bridge. It's a concrete span. And I'm looking
22 west underneath the bridge.

1 Q And what's underneath the bridge?

2 A Three tracks that come out of the yard

3 itself.

4 Q And are those tracks owned and controlled

5 by the Union Pacific Railroad?

6 A Yes.

7 Q I want to show you Slide 11 out of --

8 excuse me, Slide 10 out of Union Pacific Group

9 Exhibit A. What is that?

10 A This is looking north to the yard, which

11 the yard is right up in this area right here

12 (indicating). That's looking --

13 Q For purposes of the record, would you

14 indicate where the yard is as a quadrant?

15 A It is in the northwest quadrant of the

16 picture.

17 Q Okay. Those are the tracks that --

18 A These are Union Pacific tracks. There's

19 three tracks that come -- three lead tracks that

20 come out of the yards.

21 Q Now I'm showing you Slide 11 of the

22 Union Pacific Group Exhibit A. What is that?

1 A That is the three tracks that come out of
2 the yard, but I'm looking south underneath the
3 bridge itself.

4 Q Now this is Slide 12 of the Union Pacific
5 Group Exhibit A. What is that?

6 A That is the bearing and the head walls of
7 the structure itself, the bearing walls. And just
8 showing the type of walls that's there. The walls
9 and all that.

10 Q How high is the bridge over the
11 Union Pacific tracks?

12 A It's, approximately, 23 feet, 6 inches,
13 something like that.

14 Q And is it built in accordance with
15 Union Pacific standards?

16 A Yes, it is.

17 Q And what is the lane configuration of the
18 roadway on top of this bridge?

19 A There's a 2-lane road running east and west
20 on top of the bridge.

21 Q Now I'll show you Slide 13.

22 A Yeah, that's the bearing and the

1 superstructure of the Millsdale Road bridge.

2 Q And the last slide is Slide No. 14 of
3 Union Pacific Group Exhibit A.

4 A This is looking north again. This is on
5 the west side of the bridge itself, looking north
6 (indicating).

7 Q Okay. Why don't you take your seat for a
8 second.

9 With regard to this particular
10 project, do you know who constructed the bridge,
11 this grade separation?

12 A CenterPoint constructed it.

13 Q And was it funded by the Union Pacific
14 Railroad?

15 A Yes, it was.

16 Q Was it funded 100 percent by Union Pacific
17 Railroad?

18 A Yes, it was.

19 Q Now, if this structure was not there, how
20 would Millsdale Road and the tracks of the
21 Union Pacific intersect?

22 A We'd be at-grade crossing with probably

1 lights, gates. It would just be a road crossing.

2 Q Okay. And with this structure in place,
3 will the traffic ever be impeded because of railroad
4 operations?

5 A No. It's free-flowing now.

6 Q Now, are you familiar with the petition
7 that was filed in this matter?

8 A Yes.

9 Q And do you know whether or not the
10 Union Pacific is expecting a road authority to take
11 over the maintenance, rehabilitation and
12 reconstruction of this bridge for the future?

13 A Yes.

14 Q Do you know who that governmental entity or
15 the road authority is?

16 A I believe it is Joliet.

17 Q To your knowledge, has the City of Joliet
18 indicated that it would take over that maintenance?

19 A No, I have not seen letters or anything
20 like that.

21 Q Now, based on your experience with
22 structures of this nature, normally who are they

1 funded by?

2 A Usually they're funded by safety funds or
3 bridge funds, you know, road safety funds.

4 Q So would this be a combination of federal,
5 state, local, county money?

6 A At a normal situation, yes, probably.

7 Q Would the Railroad be required, if it was
8 replacing an at-grade crossing with a bridge, to pay
9 5 percent of the construction of the bridge?

10 A That is correct, yes.

11 Q And in this particular case the railroad
12 paid what portion?

13 A 100 percent.

14 Q Now, in a normal situation where a bridge
15 is funded with governmental funds and 5 percent with
16 the railroad, what governmental entity or railroad
17 would be responsible for the maintenance
18 rehabilitation and reconstruction of the bridge?

19 A The road authority would be.

20 Q Is Union Pacific seeking to have the road
21 authority to take over the maintenance,
22 rehabilitation and reconstruction of this particular

1 bridge?

2 A Yes, we are.

3 MR. SHUMATE: That's all, your Honor.

4 JUDGE KIRKLAND-MONTAQUE: I have a couple
5 questions -- I'm sorry, do you want to --

6 MR. VERCRUYSSSE: If you don't mind, I'd like to
7 clarify some of the exhibits and a few question on
8 how this project started.

9 CROSS-EXAMINATION

10 BY

11 MR. VERCRUYSSSE:

12 Q If we can maybe look at No. 6 of Group
13 Exhibit A, this is the overall area of the
14 intermodal facility and that shows where the
15 connections of the BNSF track and the UP is.

16 Mr. Ellison, can you define where UP's
17 existing mainline is in relation to the new
18 intermodal facility?

19 A Sure.

20 The Joliet Sub, which is our mainline,
21 which is right here (indicating). This is the
22 Joliet Sub (indicating).

1 Q So it's along the right-hand side of the
2 page, kind of heading southwest.

3 A That is correct, yes.

4 Q And there is a connection at the north end
5 of the intermodal facility.

6 A That is correct, yes, right here
7 (indicating).

8 Q And that connection is -- could you give
9 the purpose why that connection was installed?

10 A That, I really don't know. I just -- I
11 suspect it's for trains coming in. They can get
12 into the intermodal if they're coming in from the
13 south. Or if they're coming in from the north --
14 from the north they kind of come in on the "Y,"
15 coming this way (indicating). If they get trains
16 coming on the Joliet Sub, we can bring them in here
17 (indicating).

18 Q So you could actually have traffic coming
19 in off of your mainline into the yard.

20 A Yes. Yes.

21 Q During the testimony how does that relate
22 to where the BNSF tracks are? Can you show where

1 that is on the exhibit.

2 A The BNSF tracks is -- well, they're back in
3 here. They're off to the west of the connection
4 here (indicating). They're down Ars- -- is it
5 Arsenal Road? I think it is. They're kind of off
6 of it, back out of this picture. And then this
7 connects down into it. This kind of just drops down
8 and then it connects into the BNSF down in the
9 western quadrant (indicating).

10 Q And on the exhibit that's the bottom
11 left-hand side --

12 A Yes --

13 Q -- of the page.

14 A -- bottom left-hand side.

15 Q Currently, most of your traffic coming from
16 the Intermodal yard goes that route?

17 A Yes, they come out of here and go this way
18 (indicating). Or they come in here (indicating).
19 We bring them from both directions. We come down
20 from the south. And coming in there's a "Y" -- what
21 we call a "Y" track right here (indicating), they
22 come in and then they pull in. And then they leave

1 if they're going -- depending on which direction
2 they're going, if they're going west or south or
3 whatever, they'll go down this way or they'll come
4 back out and they'll go back out that way
5 (indicating).

6 Q On your Joliet Sub division mainline, along
7 the right-hand side of the exhibit, is there an
8 existing at-grade crossing at Millsdale Road
9 currently?

10 A Yes, right here there's a gated Millsdale
11 crossing that's there now with gates -- flashing
12 lights and gates (indicating).

13 Q Are there any changes proposed to that
14 crossing?

15 A In the near future, yes, they'll be four
16 quadrant gates when they'll be running the
17 high-speed rail --

18 Q That's associated with the high-speed rail
19 project --

20 A Yes.

21 Q -- relative to the intermodal facility?

22 A Yes.

1 Q Okay. Can you then show, and given an
2 understanding from that existing at-grade crossing,
3 where the new bridge is currently located.

4 A The Millsdale Road crossing right here,
5 just go -- take Millsdale Road straight across,
6 there's this road that comes up here, it's right
7 there (indicating). It's just, basically, to the
8 west of Millsdale Road at-grade crossing,
9 approximately, a mile.

10 Q Approximately a mile.

11 A Yeah.

12 Q So the crossing that's the subject of the
13 docket today with the new bridge is a new crossing.
14 It wasn't a relocated crossing. It's a --

15 A It's a new -- it's a new overpass.

16 Q New overpass.

17 A Yes.

18 Q So there were no other crossing that was
19 being closed in conjunction with this --

20 A No.

21 Q -- at-grade.

22 A No.

1 Q This is just a full new crossing based upon
2 the new tracks --

3 A Yes.

4 Q -- from that intermodal facility?

5 A Absolutely correct, yes.

6 Q Okay. Thank you.

7 Referring to No. 5 on your Group
8 Exhibit, can we go there, please. I just want to
9 clarify with the red arrow.

10 The north/south street, I believe is
11 Wilmington Road on the west or the left-hand side.

12 A This one here (indicating)?

13 Q Right.

14 And that kind of skirts the western
15 edge of the intermodal facility?

16 A That is correct, yes.

17 Q Millsdale Road was relocated to intersect a
18 little bit further north on Wilmington. And I
19 believe you can see it on the exhibit, it shows --
20 if you look at the current intersection of
21 Wilmington and Millsdale -- I just want to get the
22 reference with the red arrow.

1 Is that the correct location or is it
2 a little bit further west where the structure is?

3 A This is not where the bridge is at
4 (indicating).

5 Q Okay.

6 A The bridge is, basically -- well, right in
7 here -- or probably -- I think they realigned the
8 road kind of like this, it's right there
9 (indicating).

10 Q All right. So the red arrow does not
11 define the location of the bridge --

12 A Yes.

13 Q So the road was relocated to the north to
14 form the intersection for the new bridge --

15 A Yes, correct.

16 Q -- leading to the traffic signals. Okay.

17 One last clarification. I'm sorry. I
18 just want to make sure this is all noted.

19 On Group Exhibit No. 8, please. This
20 is on the top of the structure looking west towards
21 the traffic signal with Wilmington Road.

22 Can we clarify what the cross-section

1 is on the structure? I believe you had noted a
2 two-lane roadway at that location. Can you identify
3 what you see on the picture there in terms of the
4 median.

5 A This is a westbound lane (indicating).
6 This is an eastbound lane (indicating). And this
7 is, basically, a striped median (indicating).

8 Q Does that start and form the left turn lane
9 for the intersection further to the west?

10 A Yes, right here on the bridge it starts a
11 left turn lane for the intersection right here
12 (indicating).

13 Q So the width, as defined in the plans,
14 included with the petition, and as shown on your
15 exhibit, note that -- were larger than the two-lane
16 cross-section --

17 A Yes.

18 Q -- and accommodates the intersection with
19 Wilmington.

20 A Yes.

21 Q Okay. Thank you.

22 In terms of your up-front discussions,

1 I don't know if this is a question appropriate for
2 you, Mr. Ellison, the initial discussions with the
3 City of Joliet and permits to have the bridge built
4 and the road relocated, can you give an
5 understanding of what took place there?

6 MR. SHUMATE: Are you familiar with that?

7 THE WITNESS: I'm not familiar with that.

8 MR. VERCRUYSSSE: Maybe at the end Mr. Shumate
9 can discuss it or we can ask for something further
10 filed by the UP or a response by the City of Joliet.

11 MR. SHUMATE: Okay.

12 MR. VERCRUYSSSE: But thank you for the
13 clarification. That was really the main gist until
14 we discuss how the City of Joliet fits into the
15 overall project.

16 JUDGE KIRKLAND-MONTAQUE: Okay. I have a couple
17 of questions, just out of curiosity.

18 EXAMINATION

19 BY

20 JUDGE KIRKLAND-MONTAQUE:

21 Q Who cleared the snow over the road, do you
22 know?

1 A I have no idea, ma'am.

2 Q And what's the daily train traffic under
3 that crossing, just out of curiosity -- under the
4 road?

5 A It varies. I mean, they switch in and out
6 every day. I mean, they'll pull a train in, pull a
7 train out. They've got three tracks there. They
8 pull out, they'll park a train while they're waiting
9 to get in and out. I mean, there was a train -- in
10 one of the slides there there was a train just to
11 the south of the bridge when I took the pictures, he
12 just pulled out of there.

13 Q And you mentioned in the near future that
14 there was being considered an upgrade with the
15 four-quadrant crossing on one of the other
16 crossings?

17 A It's on Millsdale Road itself, but it's to
18 the east of this -- about a mile to the east of this
19 there's a -- we've got a gated crossing there now --
20 yeah, there's a gate crossing there now. We just
21 put gates on it just here -- last year we put a set
22 of two gates on it and now we're going to come

1 through with four-quadrant gates, if they decide to
2 bring the high-speed train in there.

3 Q So that's, basically, contingent on
4 high-speed rail --

5 A Yes.

6 Q -- coming through.

7 A Yes.

8 Q So it's, like, not in the near future, but
9 whenever that occurs.

10 A As soon as the high-speed comes through
11 there, yes, we'll have four-quadrant gates there.

12 Q I think that's it -- one last question.

13 The railroad paid 100 percent. Do you
14 have an idea about how much in total that cost?

15 A I don't -- I don't --

16 Q Just curious.

17 A -- not right off the hand -- not offhand.

18 Q That's fine.

19 MR. SHUMATE: We can find out.

20 JUDGE KIRKLAND-MONTAQUE: I'm just curious. I
21 just wanted to know.

22 MR. SHUMATE: If you're done -- or when you are

1 done, I just have one follow-up clarification.

2 JUDGE KIRKLAND-MONTAQUE: I am done.

3 REDIRECT EXAMINATION

4 BY

5 MR. SHUMATE:

6 Q Mr. Ellison, are you familiar with the
7 high-speed rail project?

8 A Yes, I am.

9 Q Have you been working on the high-speed
10 rail project for the Union Pacific Railroad?

11 A Yes, I have.

12 Q And approximately how long have you been
13 doing that?

14 A Since July of last year we started it.

15 Q And what are your activities with regard to
16 the high-speed rail project?

17 A I do -- right now I'm, basically,
18 coordinating diagnostics with the State and IDOT,
19 deciding on which crossings will have four-quadrant
20 gates and which crossings -- what kind of -- what
21 are we going to do to the crossings to make it safe.

22 Q And in your activities and diagnostics did

1 you look at this particular crossing at Millsdale
2 Road?

3 A Not yet, we will probably next week.

4 Q What would you expect that will be required
5 at that location?

6 A Four-quadrant gates.

7 Q And that's to accommodate high-speed rail?

8 A Yes.

9 Q And in combination with freight traffic.

10 A That is correct, yes.

11 MR. SHUMATE: Thank you.

12 JUDGE KIRKLAND-MONTAQUE: Okay. So where does
13 that leave us with the City of Joliet? How do we
14 propose to go forward?

15 MR. VERCRUYSSSE: Staff would recommend a
16 continuance from today until we see a filing either
17 from the City of Joliet or if we have another
18 hearing that they're actually present because --

19 MR. SHUMATE: I would concur with that, your
20 Honor, because this whole petition was filed with
21 the understanding that the City of Joliet was going
22 to take over the maintenance, snow removal and those

1 type of activities on the bridge as the road
2 authority.

3 I did not receive a letter confirming
4 that for today's hearing and they're not here today
5 and they were served. So, obviously, there's
6 something that they're thinking about and we have to
7 clarify that.

8 And I concur we should have a
9 continuance.

10 JUDGE KIRKLAND-MONTAQUE: Okay.

11 MR. VERCRUYSSSE: Your Honor, if I might ask
12 Mr. Shumate, just in general. For this intermodal
13 facility there was work and an overall project
14 agreement with the City of Joliet, is that correct?

15 MR. SHUMATE: Yes.

16 MR. VERCRUYSSSE: Were you involved with that or
17 was somebody else?

18 MR. SHUMATE: Someone else.

19 MR. VERCRUYSSSE: But that should have
20 incorporated all of these different aspects,
21 including how the connections were made and the
22 roadway work and --

1 MR. SHUMATE: I would -- if I can put this on
2 the record, I would assume that the County, the
3 Township and the City of Joliet all were involved in
4 permitting this particular facility to be located
5 there. The environmental analysis that would have
6 had to have been made. The acquisition of the land
7 and the construction of all the various facilities
8 that are there.

9 CenterPoint Properties was the
10 developer. And they would probably have obtained
11 most of the permits to build everything. But as we
12 already put on the record, Union Pacific funded
13 that --

14 JUDGE KIRKLAND-MONTAQUE: Okay.

15 MR. SHUMATE: -- or a lion's share of it.

16 MR. VERCRUYSSSE: Your Honor, if I might ask one
17 last question of Union Pacific? It's relative to
18 the size and the scope of this project, just to get
19 a feel on the record.

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1 RECROSS-EXAMINATION

2 BY

3 MR. VERCRUYSSSE:

4 Q Can someone give an understanding of where
5 this falls in terms of how large it is relative to
6 your overall system? Staff has heard this is the
7 second largest intermodal facility on the UP system.

8 A That is correct. It is the second largest
9 facility we've got out there.

10 JUDGE KIRKLAND-MONTAQUE: In the whole country?

11 THE WITNESS: In our whole system, which is the
12 western half of the United States.

13 MR. VERCRUYSSSE: Q This is connected directly
14 to Long Beach --

15 A Yes.

16 Q Or is it -- connection to Long Beach in
17 California where most of the containers come in and
18 then --

19 A Long Beach is the biggest one, where this
20 is the second largest.

21 Q I just want to get an understanding of how
22 large this facility is.

1 Can you give an idea of where it's
2 running now in capacity?

3 A That, I don't know. I don't know where
4 it's at in capacity.

5 MR. SHUMATE: I can make some representation on
6 the record, for what they're worth.

7 I know that it's at 70 percent of
8 capacity or more, at least. And that the
9 CenterPoint Properties does have a development in
10 the entire area where they will, hopefully, build
11 commercial facilities, that would be warehouses and
12 things of that nature, that would be serviced and
13 also serve the intermodal facility.

14 THE WITNESS: They're being built now. There's
15 buildings being built right now as we speak. I seen
16 them last week when I was out there.

17 MR. VERCRUYSSSE: That's important to reflect for
18 any modifications in an agreed order that this is
19 ongoing and that traffic is only going up in the
20 future and this is going to continue to build out.

21 JUDGE KIRKLAND-MONTAQUE: I see.

22 MR. VERCRUYSSSE: Thank you, your Honor.

1 JUDGE KIRKLAND-MONTAQUE: Okay. Is there
2 anything further for today? Or should we just
3 figure out a new date at this point?

4 MR. SHUMATE: No, we'll just reserve the right
5 to put in any additional information that may be
6 required by the Commission. And also to be able to
7 respond to anything that the City of Joliet, or any
8 other governmental entity might file in this matter.

9 MR. VERCRUYSSSE: The only thing that I would
10 recommend then until the City of Joliet and their
11 maintenance is resolved, is to have a firm
12 understanding that the Union Pacific or CenterPoint
13 is doing any of the follow-up inspections to the
14 structure or someone is making sure that it is --

15 MR. SHUMATE: Well, let me ask this of the
16 Commission. Is it -- the objective is to have this
17 crossing approved by the Illinois Commerce
18 Commission. It's built. It's being used by both
19 vehicles and by the Railroad. I don't know if you
20 have such a thing as a provisional authorization for
21 the crossing and then withholding your reservation
22 with regard to maintenance and responsibility.

1 I don't know whether the City of
2 Joliet will want to be the owner or whether they
3 would want another road authority to be the owner.
4 I don't know that now.

5 And so we have a crossing that's being
6 used by both the public and by the Railroad. And
7 certainly I would like to have -- or the Railroad
8 would like to have a provisional approval, if
9 possible. Or if that can just be deferred, that's
10 okay, also.

11 But the fact of the matter is, as we
12 can see from the photographs, it exists.

13 JUDGE KIRKLAND-MONTAQUE: Well, why don't we get
14 another date and give Joliet the opportunity to
15 respond. And if things don't move forward, at that
16 point we can consider an interim order which grants
17 the authority and leaves open the issuance of
18 maintenance that we'll resolve after.

19 MR. SHUMATE: Thank you, your Honor.

20 MR. VERCRUYSSSE: Thank you.

21 JUDGE KIRKLAND-MONTAQUE: So why don't we go off
22 the record.

1 MR. SHUMATE: While we're still on the record, I
2 would offer that Group Exhibit A from the Union
3 Pacific Railroad in both the paper format and also
4 the disk.

5 And I can send one set, or unless the
6 Staff wants to, to the City of Joliet.

7 JUDGE KIRKLAND-MONTAQUE: I'm sorry --

8 MR. SHUMATE: I can serve one set on the City of
9 Joliet.

10 JUDGE KIRKLAND-MONTAQUE: Okay. Please do.

11 Petitioner's Group Exhibit A is
12 admitted into evidence.

13 (Whereupon, Union Pacific's
14 Group Exhibit A was
15 admitted into evidence.)

16 JUDGE KIRKLAND-MONTAQUE: And we'll pick a new
17 date.

18 We can go off the record for a second.

19 (Whereupon, a discussion
20 was had off the record.)

21 JUDGE KIRKLAND-MONTAQUE: We can go back on the
22 record.

1 This matter will be continued until
2 Wednesday, March 16th, at 2:00 p.m. in the afternoon
3 here in Chicago.

4 Thank you.

5 MR. VERCRUYSSSE: Thank you, your Honor.

6 MR. SHUMATE: Thank you.

7 (Whereupon, the above-entitled
8 matter was continued to
9 March 16, 2011, at 2:00 p.m.)

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